

14-198IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CR-284-D
No. 5:21-CV-56-D

NEWTON DAVID BAKER,

Petitioner,

v.

UNITED STATES OF AMERICA,


Respondent.

ORDER

For the reasons stated in the government's memorandum of law in support of its motion to dismiss [D.E. 45], the court GRANTS the government's motion to dismiss [D.E. 44] and DISMISSES petitioner's motion to vacate under 28 U.S.C. § 2255 [D.E. 38]. After reviewing the claims presented in petitioner's motion, the court finds that reasonable jurists would not find the court's treatment of petitioner's claims debatable or wrong and that the claims deserve no encouragement to proceed any further. Accordingly, the court denies a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

In sum, the court GRANTS the government's motion to dismiss [D.E. 44], DISMISSES petitioner's section 2255 motion [D.E. 38], and DENIES a certificate of appealability.

SO ORDERED. This 5 day of October, 2021.


JAMES C. DEVER III
United States District Judge